



**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY**

**WILENTZ, GOLDMAN & SPITZER, P.A.**

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Order Filed on November 9, 2023  
by Clerk  
U.S. Bankruptcy Court  
District of New Jersey

In re:

BED BATH & BEYOND INC., *et al.*,

Debtors.<sup>1</sup>

Chapter 11

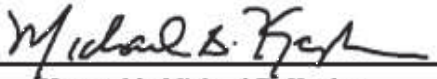
Case No. 23-13359 (VFP)

(Jointly Administered)

**ORDER MODIFYING THE AUTOMATIC STAY AND PLAN  
INJUNCTION TO ALLOW MOVANT TO CONTINUE PENDING  
LITIGATION AGAINST THE DEBTOR, TO RECOVER SOLELY AGAINST  
DEBTOR'S INSURER, WAIVING THE PROVISIONS OF FED. R. BANKR. P.  
4001 (a) (3) AND FOR RELATED RELIEF**

The relief set forth on the following pages, numbered two (2) through two (2) is  
ORDERED.

**DATED: November 9, 2023**

  
Honorable Michael B. Kaplan  
United States Bankruptcy Judge

<sup>1</sup> The last four digits of Debtor Bed Bath & Beyond Inc.'s tax identification number are 0488. A complete list of the Debtors in these Chapter 11 Cases and each such Debtor's tax identification number may be obtained on the website of the Debtors' claims and noticing agent at <https://restructuring.ra.kroll.com/bbby>. The location of Debtor Bed Bath & Beyond Inc.'s principal place of business and the Debtors' service address in these Chapter 11 Cases is 650 Liberty Avenue, Union, New Jersey 07083.

Bed Bath & Beyond Inc., et al.

Case No. 23-13359 (VFP)

Order Modifying the Automatic Stay and Plan Injunction to Allow Movant to Continue Pending Litigation Against the Debtor, to Recover Solely Against Debtor's Insurer, Waiving the Provisions of Fed. R. Bankr. P. 4001 (a)(3)  
Page 2

This matter having come before the Court by way of a Notice of Motion for an Order Modifying the Automatic Stay and Plan Injunction to Allow Movant to Continue Pending Litigation against the Debtor, to Recover Solely against Debtor's Insurer, Waiving the Provisions of Fed. R. Bankr. P. 4001 (a) (3) and for related relief (the "Motion"), filed by Wilentz, Goldman & Spitzer, P.A., attorneys for Victoria Foster (the Movant"), and after consideration of the moving papers, opposition, if any, and arguments of counsel, and for good cause having been shown:

IT IS HEREBY ORDERED:

1. The Motion is hereby GRANTED.
2. The Automatic Stay and/or the Discharge Injunction is hereby modified to permit the Movant to institute and/or resume and prosecute to conclusion the personal injury lawsuit styled as Foster v. Bed, Bath & Beyond, Inc., et al. pending in the Superior Court of New Jersey, Law Division, Essex County under Docket Number L-2348-21.
3. Such relief and recovery is limited to the extent of available insurance coverage. \*
4. Movant may join the Debtor and/or any trustee appointed in this case as defendants in its action(s) irrespective of any conversion to any other Chapter of the Bankruptcy Code.
5. The fourteen (14) day stay provisions of Fed. R. Bankr. P. 4001 (a) (3) are hereby deemed waived and dispensed with.

\* Nothing in this Order shall serve to modify the rights or defenses held by any Insurer under its insurance policy or other contractual agreement(s) between the Debtor and Insurer, the Bankruptcy Code, or other applicable laws.

In re:  
Bed Bath & Beyond Inc.  
Debtor

Case No. 23-13359-VFP  
Chapter 11

## CERTIFICATE OF NOTICE

District/off: 0312-2  
Date Rcvd: Nov 09, 2023

User: admin  
Form ID: pdf903

Page 1 of 2  
Total Noticed: 13

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.
^	Addresses marked '^' were sent via mandatory electronic bankruptcy noticing pursuant to Fed. R. Bank. P. 9036.

### Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Nov 11, 2023:

Recip ID	Recipient Name and Address
db	+ Bed Bath & Beyond Inc., 650 Liberty Avenue, Union, NJ 07083-8107
aty	+ Casey McGushin, 3101 Old Jacksonville Road, Springfield, IL 62704-6488
aty	+ Charles B. Sterrett, Kirkland & Ellis, 300 North LaSalle Street, Chicago, IL 60654-5412
aty	+ Derek I. Hunter, Kirkland & Ellis LLP, 601 Lexington Avenue, New York, NY 10022-4643
aty	+ Emily E. Geier, Kirkland & Ellis LLP, 601 Lexington Avenue, New York, NY 10022-4643
aty	+ Jacob E. Black, Kirkland and Ellis LLP, 3101 Old Jacksonville Road, Springfield, IL 62704-6488
aty	+ Kirkland & Ellis LLP, 601 Lexington Avenue, New York, NY 10022-4643
aty	+ Max M Freedman, Kirkland & Ellis LLP, 300 North LaSalle Street, Chicago, IL 60654-5412
aty	+ Michael A. Sloman, Kirkland and Ellis LLP, 601 Lexington Avenue, New York, NY 10022-4643
aty	+ Noah Z. Sosnick, Kirkland and Ellis LLP, 601 Lexington Avenue, New York, NY 10022-4643
aty	+ Olivia F. Acuna, Kirkland and Ellis LLP, 601 Lexington Avenue, New York, NY 10022-4643
aty	+ Richard U.S. Howell, P.C, KIRKLAND & ELLIS LLP, KIRKLAND & ELLIS INTERNATIONAL LLP, 300 North LaSalle Street, Chicago, IL 60654-5412
aty	+ Ross Fiedler, Kirkland & Ellis LLP, 601 Lexington Avenue, New York, NY 10022-4643

TOTAL: 13

### Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern Standard Time.

Recip ID	Notice Type: Email Address	Date/Time	Recipient Name and Address
aty	^ MEBN	Nov 10 2023 00:52:36	Charles B. Sterrett, Kirkland & Ellis, 300 North LaSalle Street, Chicago, IL 60654-5412
aty	^ MEBN	Nov 10 2023 00:52:20	Derek I. Hunter, Kirkland & Ellis LLP, 601 Lexington Avenue, New York, NY 10022-4643
aty	^ MEBN	Nov 10 2023 00:51:45	Emily E. Geier, Kirkland & Ellis LLP, 601 Lexington Avenue, New York, NY 10022-4643
aty	^ MEBN	Nov 10 2023 00:53:16	Kirkland & Ellis LLP, 601 Lexington Avenue, New York, NY 10022-4643
aty	^ MEBN	Nov 10 2023 00:53:18	Richard U.S. Howell, P.C, KIRKLAND & ELLIS LLP, KIRKLAND & ELLIS INTERNATIONAL LLP, 300 North LaSalle Street, Chicago, IL 60654-5412
aty	^ MEBN	Nov 10 2023 00:53:19	Ross Fiedler, Kirkland & Ellis LLP, 601 Lexington Avenue, New York, NY 10022-4643

TOTAL: 6

## BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, \*duplicate of an address listed above, \*P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

District/off: 0312-2

User: admin

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Date Rcvd: Nov 09, 2023

Form ID: pdf903

Total Noticed: 13

## NOTICE CERTIFICATION

**I, Gustava Winters, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Nov 11, 2023

Signature: /s/Gustava Winters